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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 96-029

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. Section Ins 3.50 (3) (f) refers to “requirements set forth by the commissioner.” If these requirements refer to provisions of s. Ins 3.50 (8h) (b), then a cross-reference should be included in s. Ins 3.50 (3) (f). However, if the “requirements set forth by the commissioner” are intended to mean future edicts pronounced by the commissioner, the new requirements should be promulgated as administrative rules under ch. 227, Stats. The same comments apply to s. Ins 3.50 (8h) (h), which provides that the commissioner may rule that a review organization is not qualified for purposes of s. Ins 3.50. Under what standards will the commissioner make this “ruling”?

b. In the introductory clause, a reference to s. Ins 3.50 (5) (d) 4., which is created by this rule, should be inserted. In addition, before the acronym “HMO” is used, the term “health maintenance organization” should be spelled out.

c. In the plain language analysis, after the first mention of the term “health maintenance organizations,” the acronym “HMO” should be inserted in parentheses, since it is used throughout the rest of the analysis.

d. The treatment clause to SECTION 1 of the rule should read as follows: “Section Ins 3.50 (3) (f) to (h), (5) (d) 4. and (j) and (8h) are created to read:”.

e. In the text of the rule in SECTION 1, the following phrases should be deleted: “Section Ins 3.50 (5) (d) 4., Wis. Adm. Code, is created:” and “Section Ins 3.50 (5) (j), Wis. Adm.

Code, is created:”. These are out of place because no new sections are being created here. Their creation is already dealt with in the treatment clause for SECTION 1.

f. Before the listing of newly created s. Ins 3.50 (5) (d) 4., “(5) (d)” should be inserted prior to “4.”

g. In s. Ins 3.50 (5) (d) 4., the word “organizations’ should be replaced by the word “organization’s.” [See, also, subs. (5) (j) (intro.) and (8h) (g).]

h. Section Ins 3.50 (5) (j) should have a title for consistency with other paragraphs in sub. (5).

i. Section Ins 3.50 (8h) should have a title for consistency with the other subsections in s. Ins 3.50.

j. In s. Ins 3.50 (8h) (a), the phrase “effective date of this rule” should be replaced by the phrase “effective date of this section [revisor inserts date].” Also, the phrase “these requirements” should be replaced by the phrase “the requirements in this paragraph.”

k. In s. Ins 3.50 (8h) (b) 4., the internal references are incorrect. Instead of a reference to “subsections (e) and (f),” the reference should be to “pars. (e) and (f).”

l. Several times throughout the rule, the word “will” is used when the word “shall” is more appropriate. The rule should be reviewed for use of this word and corrections should be made as necessary.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. Ins 3.50 (8h) (a), a comma should be inserted after the word “quality” in the first line.

b. In s. Ins 3.50 (8h) (b) 4., the word “That” should be deleted.

c. Section Ins 3.50 (8h) (c) is unclear. Is 30 days advance notice of the review date desired? If this is the intent, this paragraph should be rephrased to so indicate.

d. Section Ins 3.50 (8h) (d) makes a reference to “field work.” Is this a readily understood term? If not, a definition of the term should be provided.

e. In s. Ins 3.50 (8h) (b), (e) and (f), several references to “workpapers” and “working papers” are made. One term should be selected to refer to these items and more information should be provided as to what they consist of.